

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MINT GmbH,

Plaintiff,

v.

ACRADYNE CORPORATION, and  
AUTOMOTIVE INDUSTRIAL  
MARKETING CORPORATION  
(AIMCO),

Defendants.

CV. 06-52-PK

OPINION AND  
ORDER

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PAPAK, Magistrate Judge:

Defendants filed a Motion to Dismiss/Strike Plaintiff's Complaint on February 9, 2006 (#9). Oral argument was held on March 14, 2006. Defendants' Motion to Dismiss is hereby DENIED. Defendant's Motion to Strike is GRANTED and plaintiff is ordered to file a First Amended Complaint within ten (10) days removing the following allegations from the Complaint:

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1. Paragraph 14, the 3<sup>rd</sup> and 4<sup>th</sup> sentences, including Exhibit A.
2. Paragraph 19, the 2<sup>nd</sup> sentence, including Exhibit B, and the phrase within parenthesis in the 1<sup>st</sup> sentence ("[and, indeed, the world through their product catalogs and other publicity-disseminated materials])).
3. Paragraph 20 in its entirety.
4. Paragraph 22, the 3<sup>rd</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> sentences and the phrase "and the other distributors" in the 4<sup>th</sup> sentence.
5. Paragraph 24, the 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> sentences.
6. Paragraph 25, the 2<sup>nd</sup> sentence.
7. Paragraph 27, the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> sentences, including Exhibit C.
8. Paragraph 32 in its entirety.

Plaintiff may amend Paragraph 19 to reference with specificity which product catalogs represented that defendants' tools were "CE Certified" and were relied upon by plaintiff.

Defendants' objections to the phrase "among other things" in Paragraph 19 as unrelated to the claim of fraud is noted but denied.

Dated this 14th day of March, 2006.

/s/ Paul Papak  
Honorable Paul Papak  
United States Magistrate Judge